

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 5-10, 12-14, 16-26, 29-40 are pending in the application. Claims 1-4, 11, 15, 27-28 have been cancelled. Claim 5 has been rewritten in independent form. Independent claims 10 and 29 have been amended as to substance. The dependent claims have been amended to better define the invention. More particularly, claims 13, 16 and 32 have been amended to delete "substantially", overcoming the Examiner's *35 U.S.C. 112, second paragraph* rejection indicated in the last Final Office Action. Claims 38-40 have been added to provide Applicants with the scope of protection to which they are believed entitled.

The *35 U.S.C. 112, first paragraph* rejection manifested in the last Final Office Action is **traversed** for the reason advanced in the Amendment filed May 9, 2003 under Rule 116. See page 8 the last three paragraphs of the May 9, 2003 Amendment. The Examiner's claim construction in the continuation sheet of the Advisory Action mailed May 21, 2003 is noted. Although, Applicants do not agree with the Examiner's position, Applicants have nevertheless amended claim 5 to better define the invention, avoiding the Examiner's claim reading. In particular, the "uppermost and lowermost levels of the sheet" has been changed to --tops of the shaped protuberances and bottoms of the valleys--. Since the protuberances and the valleys are part of the repeating pattern of the single material layer, claim 5 clearly defines only one material layer as required by the transitional phrase "consisting of." Withdrawal of the *35 U.S.C. 112, first paragraph* rejection is believed appropriate and therefore courteously solicited.

The *35 U.S.C. 112, second paragraph* rejections manifested in the last Final Office Action are either moot in view of the above amendments or **traversed** for the reasons advanced in the Amendment filed May 9, 2003 under Rule 116. See page 9 the first four paragraphs of the May 9,

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2003 Amendment. The Examiner did not address Applicants' traverse of these rejections in the Advisory Action.

The 35 U.S.C. 102(b) rejections manifested in the last Final Office Action are **traversed** for the reasons advanced in the Amendment filed May 9, 2003 under Rule 116 and presented immediately above with respect to the 35 U.S.C. 112, *first paragraph* rejection. See page 9 line 9 from bottom through page 10 line 6 of the May 9, 2003 Amendment.

The 35 U.S.C. 103(a) rejections manifested in the last Final Office Action are either moot in view of the above amendments or **traversed** for the reasons advanced in the Amendment filed May 9, 2003 under Rule 116. See page 10 line 7 through page 13 line 7 of the May 9, 2003 Amendment. The Examiner did not address Applicants' very extensive arguments traversing these rejections in the Advisory Action.

Accordingly, Applicants respectfully submit that the rejections manifested in the last Final Office Action are not sustainable. Further claim amendments have nevertheless been made to define the claimed invention over U.S. Patent No. 5,871,607 to *Hamilton* cited in the concurrently filed IDS.

Independent claim 5 is patentable over *Hamilton* because the reference fails to disclose, teach or suggest the claimed connecting webs. In addition, independent claim 5 is patentable over *Barnholtz* and *Rudy* because the references fail to disclose, teach or suggest the claimed protective packaging sheet consisting of a single material layer. Independent claim 5 is also patentable over *McGuire* because the reference fails to disclose, teach or suggest the claimed repeating pattern. *Arg index*

Independent claim 10 is patentable over *Hamilton* because the reference fails to disclose, teach or suggest the claimed foam that defines, at least partially, a planar contacting face of said sheet. Independent claim 10 is patentable over *McGuire* for the same reason. Independent claim 10 is also patentable over *McGuire* because the reference fails to disclose, teach or suggest the claimed repeating pattern. *Barnholtz* and *Rudy* do not teach or suggest foam.

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Independent claim 29 is patentable over *Hamilton* because the reference fails to disclose, teach or suggest the claimed connecting webs. In addition, independent claim 29 is patentable over *Barnholtz* because the reference fails to disclose, teach or suggest the claimed sheet having a thermoplastic layer. Independent claim 29 is patentable over *Rudy* because the reference fails to disclose, teach or suggest that the claimed thermoplastic has a sufficient strength to maintain the repeating pattern when no external force is acting on said thermoplastic. Independent claim 29 is also patentable over *McGuire* because the reference fails to disclose, teach or suggest the claimed repeating pattern.

The dependent claims are patentable for the reasons advanced with respect to their respective independent claims and as discussed in detail in pages 10-13 of the May 9, 2003 Amendment.

New claims 38-40 are clearly patentable over the art because the art fails to disclose, teach or suggest that a number of the connecting webs and the shaped protuberances being connected by said number of the connecting webs are aligned to define *a straight cutting line which does not cut through the bottom of any of said valleys*, thereby allowing said sheet to be cut along said straight cutting line easier than along any other line which cuts through the bottom of at least one of the valleys.


Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

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The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

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